

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 14 2003

In the Matter of)
)
Amendment of the Commission's Rules to) RM-10621
Require License Grantee of Each Space Station)
To File Written Pre-Space Information within)
30 Days after Receiving a Launch Commitment)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Wireless Telecommunications Bureau,
Public Safety & Private Wireless Division,

COMMENTS OF ARRL, THE NATIONAL ASSOCIATION FOR AMATEUR RADIO,
IN RESPONSE TO PETITION FOR RULEMAKING

ARRL, the National Association for Amateur Radio (ARRL), also known as the American Radio Relay League, Incorporated, by counsel and pursuant to Sections 1.4 and 1.405 of the Commission's Rules (47 C.F.R. §§1.4, 1.405), hereby respectfully submits its comments in support of the Petition for Rule Making (the Petition) submitted by the Radio Amateur Satellite Corporation (AMSAT), RM-10621, on or about December 2, 2002. This Petition was placed on public notice (Report No. 2589) on December 18, 2002. These comments are therefore timely

1. AMSAT's Petition seeks amendment of the Commission Rules regarding pre-space notifications for manned and unmanned spacecraft. Specifically, the Petition seeks to permit the licensee of ~~cdch~~ space station to file a single written pre-space notification (information document) within 30 days after receiving a launch commitment.¹ Section 97.207(g) of the Commission's Rules currently requires two pre-space notification filings. The first notification is

¹ The AMSAT proposal would also require licensees to provide a replacement pre-space information document with the International Bureau prior to launch in the event any of the information contained in the notification changes prior to launch.

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now required to be submitted to the Commission 27 months before initiating space station transmissions. A second filing is due five months prior (regardless of whether the information furnished changed in the meantime). AMSAT claims that the current 27-month pre-space notification requirement has been an unnecessary burden for both amateur radio operators and the Commission, and should be amended to reflect the practical realities of obtaining launch opportunities in the Amateur Satellite Service.

2. ARRL supports the AMSAT Petition, and its proposal that information to be filed with the Commission should be required to be filed within 30 days after obtaining a launch commitment, in lieu of the fixed 27-month advance notice. ARRL has had some experience with the practical difficulties of this rule. During the Space Shuttle experiments with Amateur Radio (SAREX), NASA astronauts were routinely licensed Amateurs, and actively participated in contacts with school children from the Space Shuttles while in orbit. This is an extremely beneficial activity for all involved, and an incomparable educational experience for the students. These activities continue with school contacts from the International Space Station (ISS). However, the SAREX operations were unpredictable, to the extent that it was often unclear whether SAREX operation would be conducted or not in connection with any particular flight. None could have been subject to a 27-month advance notification requirement, or even a 5 month requirement. The situation is worse still with unmanned Amateur Satellite (OSCAR) operations. Launch opportunities are few and far between, and are often not known until shortly before the launch occurs.

3. Unlike commercial entities, AMSAT – a nonprofit corporation – designs, constructs, delivers to the launch facility and ultimately, arranges the launch of amateur satellites. AMSAT accomplishes launches, such as the AMSAT-OSCAR-40 lifted to orbit in November 2000 by an

Ariane-5 launcher, depending on donations and contingent on space available at little or no cost to **AMSAT** on commercial launch vehicles. Because finding an affordable launch opportunity is difficult and last-minute decisions at a launch site may determine whether or not an Amateur satellite will be allowed to “piggyback” onto a commercial satellite, the 27-month notice requirement imposes an unreasonable, and practically impossible, compliance burden. AMSAT must seek a waiver of the requirement for essentially every launch. For satellite vehicles with or without passengers, the proposed amendment to Section 97.207(g) offers a more flexible, and thus practical, window of time in which to notify the Commission of all required information prior to launch.

4. The Commission has consistently granted Amateur Satellite Service requests for waivers of the 27-month notice requirement. However, this constant necessity of rule waivers actually undermines the original purpose of creating rules for the Service in the first place. In 1980, the Commission issued a Report and Order in Docket 19852, (47 RR 2d 1500, *et seq.*, 1980) adopting rules to provide for Amateur Satellite Service. The rules were “needed to obviate requests for waivers of rules developed to regulate terrestrial radio communications”... and to “regularize amateur radio space operations which... have been authorized on an ad hoc basis by rule waivers” (47 RR 2d at 1500). The fact that the current rule is impossible of compliance, and necessitates waivers each time, shows that the Commission’s purpose in enacting the rules has been frustrated, rather than furthered, thereby.

5. AMSAT filed comments in Docket 19852, in response to the Notice of Proposed Rulemaking in that proceeding (44 Fed. Reg. 70499): addressing the long lead time of 27 months for the first notification to the Commission. AMSAT described the practical impossibility of such a long lead time, because “[p]revious amateur radio satellites have been launched on

‘missions of opportunity,’ and the actual missions available are often not identified until a much later date...” (47 RR 2d at 1501). This situation that AMSAT described in 1980 persists today. In the 1980 Report and Order, the Commission offered no rationale for the 27-month notice period.² The international regulations specify no particular time period. Article 25 merely requires that the ITU Radiocommunication Bureau be notified of Amateur Satellite Service space station operations when in bands shared with other services.

6. In sum, ARRL supports the AMSAT Petition for amendment of Section 97.207(g) of the Commission’s Rules. ARRL would underscore AMSAT’s view that such an amendment reflects the realities of the Amateur Satellite Service, which is a model of the type of scientific accomplishment, educational opportunity and self-regulation that is a hallmark of the Amateur Radio Service. The amendment complies with the intent and the rule of the International Radio

² The Commission’s rationale was puzzling. It stated:

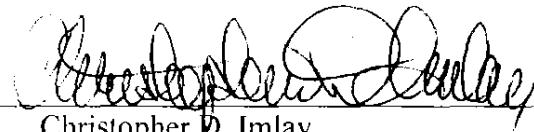
Turning to the matter of international coordination of space operation, we are sympathetic to the problem a licensee could face in providing the necessary information over two years prior to operation. However, the international publication and coordination requirement does exist, and it is the responsibility of the Commission and its licensees to comply. Therefore, we are adopting the notifications requirements (sic) as proposed. Again, we point out that we could waive the first notification (at 27 months), where justified. Possibly the second notification (at 15 months) could be justified for a waiver. But in either case, the licensee would run a risk, although probably a small one, of later being directed to cease operation in favor of a prior space operation, or for the purpose of avoiding interference with other radio services because of incomplete international coordination. (47 RR 2d at 1502).

Regulations regarding advance coordination, and eliminates a burden on the Commission's staff at the same time. It should be promptly, and favorably, acted upon.

Respectfully submitted,

**ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

225 Main Street
Newington, CT 06111

By: 
Christopher D. Imlay
General Counsel

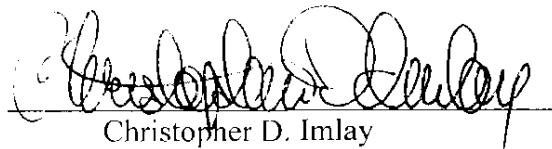
BOOTH, FRERET, IMLAY & TEPPER, P.C.
14356 Cape May Road
Silver Spring, MD 20904-6011
(301) 384-5525

January 14, 2003

CERTIFICATE OF SERVICE

I, Christopher D. Imlay, do hereby certify that I caused to be mailed, via first class U.S. Mail, postage prepaid, a copy of the foregoing COMMENTS OF ARRL, THE NATIONAL ASSOCIATION FOR AMATEUR RADIO, IN RESPONSE TO PETITION FOR RULE MAKING, to the following, this 14th day of January. 2003.

Radio Amateur Satellite Corporation
Dr. Perry I. Klein, Vice-president and
Government Liaison
700-7th Street, S.W.
Washington, D.C. 20024-2484



Christopher D. Imlay